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In re Patent Application of  
**FLICK**  
Serial No. 10/085,403  
Filed: FEBRUARY 28, 2002

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REMARKS

Applicant thanks the Examiner for the thorough examination of the present application. Based on the arguments presented below, all of the claims are believed to be patentable.

I. The Claimed Invention

The invention is directed to a method of providing a customer-selected remote control feature package in a vehicle. Independent Claim 1, for example, is directed to installing a universal remote control device in the vehicle. The universal remote control device comprises a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages. The method further includes negotiating sale or lease of the vehicle with the customer. The negotiating of sale comprises offering the plurality of possible remote control feature packages to the customer, accepting an order for the customer-selected remote control feature package from the customer, and enabling wirelessly the customer-selected remote control feature package for the universal remote control device.

Independent Claim 16, for example, is also directed to a method of providing a customer-selected remote control feature package in a vehicle similar to independent Claim 1. Independent Claim 16 further recites that the plurality of possible remote control feature packages have respective different offering prices, and that the steps can be performed

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by a plurality of different entities sharing revenue based on the negotiated customer-selected remote control feature package. Independent Claim 27 is a system counterpart to independent method Claim 16 and includes similar recitations.

II. The Drawings Comply With 37 C.F.R. § 1.83(a)

The Examiner objected to the drawings based upon 37 C.F.R. § 1.83(a). The Examiner stated that the features of dependent Claims 4 and 6 were not disclosed in the drawings as required by 37 C.F.R. § 1.83(a). Dependent Claim 4 recites "installing is performed after negotiating." Applicant directs the Examiner's attention to the flowchart depicted in Figure 1, which describes the procedure of installing the universal remote control device before negotiation. Figure 1 in conjunction with the specification of the present application, which thoroughly explains that the installation of the remote control device may occur before or after negotiation, adequately explain the feature recited in dependent Claim 4.

Dependant Claim 6 recites: "negotiating and wirelessly enabling are performed by respective different entities; and further comprising sharing revenue between the different entities and based on the negotiated price for the customer-selected remote control feature package." Applicant directs the Examiner's attention to the flowchart depicted in Figure 1, more specifically to blocks 20 and 21. The features recited in dependent Claim 6 are thoroughly explained in the specification of the present application, in conjunction with

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Figure 1, and can be understood without the aid of further drawings.

III. The Objections to Claims 1-32 Are Overcome

The Examiner objected to independent Claims 1, 16, 27, and their dependent claims over certain alleged informalities. The Examiner stated that "negotiating sale or lease of the vehicle with the customer and comprising", as recited in independent Claims 1 and 16, required the insertion of semi-colon after the term "comprising". The informality objections stated by the Examiner do not provide for the best form of correct English grammar. The current version of the claims provides the best grammatical form that complies with MPEP 608.01.

The Examiner further stated that "...the different entities and based on negotiated price...", as recited in dependent Claim 6, made little sense. Applicant submits that dependent Claim 6 in conjunction with the present specification adequately explain the meaning of the features recited to one of ordinary skill in the art.

The Examiner also stated that independent Claim 27 should be rewritten as "sharing revenue among different entities based upon the order for customer-selected remote control feature package." The Examiner stated no ground for this suggested change and objection. Nonetheless, Applicant maintains that independent Claim 27 in conjunction with the present specification clearly and distinctly claims the invention.

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IV. Claims 1-32 Comply With 35 U.S.C. § 112 ¶2

The Examiner rejected independent Claims 1, 16, 27, and their dependent claims based upon 35 U.S.C. § 112 ¶2, which states "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." The Examiner rejected independent Claim 1, stating that it lacked antecedent basis for "the vehicle" and "the customer-selected remote control feature package". Applicant directs the Examiner's attention to the preamble of independent Claim 1, which recites "[a] method of providing a customer-selected remote control feature package in a vehicle".

The Examiner rejected independent Claim 1 stating that it lacked an essential step of "the selection of the remote feature package". Applicant directs the Examiner's attention to independent Claim 1, which recites: "offering the plurality of possible remote control feature packages to the customer, and accepting an order for the customer-selected remote control feature package from the customer". Applicant submits that accepting includes selecting.

The Examiner rejected dependent Claim 3 stating that it failed to limit the scope of independent Claim 1. Applicant submits that any recited order of steps in a claimed process does not ordinarily imply any chronological order within the process unless expressly claimed. (*Interactive Gift Exp., Inc. v. Compuserve, Inc.*, 256 F.3d 1323 (Fed. Cir. 2001)). Therefore, dependent Claim 3 does further limit independent Claim 1 by expressly claiming a chronological time arrangement for the steps of the process.

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The Examiner rejected dependent Claim 4 stating that it was indefinite since it claimed "installing is performed after negotiating." Applicant submits that any order of steps in a claimed process does not ordinarily imply any chronological order within the process unless expressly claimed. Therefore, dependent Claim 4 is not indefinite.

The Examiner stated that dependent Claim 7 was rendered indefinite by the term "respective" and that dependent Claim 8 was indefinite due to the Examiner's interpretation of independent Claim 1. Applicant submits that a person of ordinary skill in the relevant art would understand and be able to practice the claimed invention as distinctly recited in dependent Claims 7 and 8. Therefore, independent Claims 1, 16, 27, and their dependent claims comply with 35 U.S.C. § 112 ¶2.

V. Claims 1-32 Are Patentable

The Examiner rejected independent Claims 1, 16, and 27 in view of the Treyz et al. patent. The Treyz et al. patent discloses an automobile personal computer capable of monitoring and controlling certain local vehicle peripherals, such as a LCD display, a CD drive, a fingerprint identification reader, a digital camera, and a GPS receiver. (Col. 13, lines 52-67 & Col. 15, lines 11-53). The Treyz et al. patent discloses wireless communication circuitry, (Col. 14, lines 57-58), and the ability to modify settings of the automobile personal computer from a remote location, but not peripherals of the automobile personal computer. (Col. 20, lines 51-54). Further, the Treyz et al. patent discloses the

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ability to remotely subscribe to digital audio satellite radio services, (Col. 22, lines 20-34), and the ability to remotely purchase products separate from the car, (Col. 57, line 60 : col. 58, line 10), but not the ability to wirelessly enable remote control features of the vehicle.

The claimed invention includes, as recited in independent Claims 1, 16, and 27, a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected remote control feature package from among a plurality of possible remote control feature packages. As noted in dependent Claims 11, 13, 23, 29, and 30, the remote control feature packages may include, for example, a security, remote keyless entry, a remote engine starting, and a GPS receiver. Accordingly, independent Claims 1, 16, and 27 are patentable over Treyz et al. for this reason alone.

As discussed above, the Treyz et al. patent discloses the ability to use the automobile personal computer to purchase products outside the vehicle for items such as fuel, food, or gas. (Col. 57, lines 2-9). The Treyz et al. patent further discloses the vehicle user having the capability to remotely purchase audiovisual entertainment while in the vehicle. (Col. 23, lines 3-16).

In contrast, the claimed invention includes, as recited in independent Claims 1 and 16, negotiating sale or lease of the vehicle with the customer. This is simply not found in the Treyz et al. patent. Accordingly, independent Claims 1 and 16 are patentable over Treyz et al. for this reason alone.

Independent Claims 1, 16, and 27 are patentable for the critical deficiencies of the prior art Treyz et al.

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highlighted above. Their respective dependent claims, which  
recite yet further distinguishing features, are also  
patentable, and require no further discussion herein.

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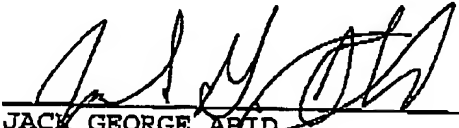
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CONCLUSION

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 4th day of October, 2006.

